

**REMARKS**

Claims 11-26 and 28-36 are pending in the application. Claims 11, 19, 23-25, 31-33 and 36 have been amended.

Applicants acknowledge the Examiner's withdrawal of the rejections under 35 U.S.C. § 103(a) and thank the Examiner for the courtesy extended to the undersigned in the telephone conversation of January 6, 2005. In that conversation, applicants discussed possible amendments in line with those presented above to place the application in condition for allowance.

In Paper No. 20041227 in the above-referenced application, the Examiner has rejected claims 11-26 and 28-36 finally under 35 U.S.C. § 112 as indefinite. Specifically, the Examiner has taken the position that use of "the viability" in claim 11, line 1 and "the treated" in 11(b) lacks antecedent basis. Similarly, "the efficacy" in claim 25(b) is cited by the Examiner for lack of antecedent basis.

Applicants have amended claims 11, 19, 23-25, 31-33 and 36 to remove "the viability" from claim 11, line 1, reword the claims so as not to use "the treated" in certain instances and removed "the efficacy" from claim 25. In view of these amendments, discussed with the Examiner generally on January 6, 2005, applicants respectfully request withdrawal of the outstanding rejection and allowance of the application.

Applicants also wish to correct a portion of the discussion with the Examiner on January 6, 2005 of record. In that discussion the undersigned and the Examiner were discussing the status of related applications in this common chain of priority and had concluded that the other U.S. related applications were currently all abandoned including: Applications Serial Nos. (i) 09/563,707 (Attorney Docket No. 61-2U1 and Conf. No. 8750); (ii) 10/016,764 (Attorney Docket No. 61-2U4 and Conf. No. 3375); and (iii) 10/016,742 (Attorney Docket No. 61-2U3 and Conf. 7942). While these applications are currently abandoned, there is still another pending application which is related and still active, but which the undersigned did not recall during that conversation. As a result, the undersigned would like the Examiner to note that U.S. Continuation Application No. 10/720,576 (Attorney Docket No. 61-2U6 and Conf. No. 5706) filed on November 24, 2003 is still pending before the PTO and, according to PAIR, has been assigned to the Examiner of the present Application Serial No. 10/091,260. If the Examiner

would like to discuss any of this family of related applications and the status thereof, please contact the undersigned.

In view of the foregoing, it is respectfully requested that the Examiner issue a notice of allowance in the above-referenced application.

Respectfully submitted,

IRA C. FELKNER, *et al.*

1/7/05  
(Date)

By:

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